

**IN THE DISTRICT COURT OF THE VIRGIN ISLAND  
DIVISION OF ST. CROIX**

**ATLANTIC BASIN REFINING, INC.**

**PLAINTIFF,**

**VS.**

**CASE NO.: 1:15-cv-00071**

**ARCLIGHT CAPITAL PARTNERS, LLC  
AND JP ENERGY PARTNERS, LP,**

**DEFENDANTS.**

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Atlantic Basin Refining, Inc. (“ABR”) notifies the Court of the United States Supreme Court’s decision in *Harrington v. Purdue Pharma L. P.*, Case No. 23-124, –U.S. –, 2024 WL 3187799 (June 27, 2024). This decision calls into question the breadth of the definition of “interests” under 11 U.S.C. § 363(f) as applied in this case in as much as the Supreme Court has now held that bankruptcy court lacks the power to extinguish the claims that non-consenting victims of a tort have against a non-debtor tortfeasor.<sup>1</sup> The supplemental authority relates to the Court’s Order relating to briefing on damages (Doc. No. 358) and the parties’ submissions in response to that

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<sup>1</sup> While *Purdue Pharma* is a case arising under Chapter 11 of the Bankruptcy Code, the effect of a discharge is defined in 11 U.S.C. § 524 (Chapter 5) and applies to *all* bankruptcy proceedings, whether arising under Chapter 7, 9, 11, or 13. *See also Purdue Pharma*, 2024 WL 3187799 at \*9 (noting that the bankruptcy code generally reserves the benefit of a discharge to the entity that files for bankruptcy and citing the discharge provisions of both Chapter 7 and Chapter 11).

Order.<sup>2</sup>

Respectfully submitted,

Atlantic Basin Refining, Inc.

**Dated:** June 27, 2024

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<sup>2</sup> The decision also relates to this Court's opinion (Doc. No. 217) on Defendants' first motion to dismiss in this matter. ABR is evaluating the filing of a renewed motion for reconsideration or alternatively a renewed motion for interlocutory appeal relating to that opinion based upon *Purdue Pharma*.